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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,227	10/08/2003	Canan Uslu Hardwicke	126908-1	8130

41838 7590 01/15/2009

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EXAMINER	
KIM, TAE JUN	

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
01/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CANAN U. HARDWICKE, LIANG JIANG, and SUNG JIN KIM

Application No. 10/682,227
Technology Center 3700

Mailed: January 15, 2009

Before TINA D. LEE, *Supervisory Paralegal Specialist*
LEE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

EXAMINER'S ANSWER, MISSING CERTIFIED TRANSLATION

The Examiner relied on the foreign reference(s) Umemura, JP 11-062549 in rejecting the claims. Full certified English translation(s) of the above noted foreign reference(s) are not of record in the Image File Wrapper (IFW).

When an Examiner relies on a document "in a language other than English, a translation *must* be obtained so that the record is clear as to the precise facts the Examiner is relying upon in support of the rejection" (emphasis added). MPEP §1207.02. Pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy:

> Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where: (1) a rejection is supported in whole or part by an abstract without reference to the underlying document, . . . ; or (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

The memorandum also states "[i]f the document is in a language other than English and the Examiner seeks to rely on that document, a translation *must* be obtained so that the record is clear as to the precise facts the Examiner is relying upon in support of the rejection" (emphasis added).

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

1) to obtain full certified English language translation(s) of the above noted foreign reference(s);

2) to complete the IFW by having the translation(s) obtained scanned into the IFW file;

3) to provide copies of the translations obtained to Appellant(s).

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

tdl

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